

## REMARKS/ARGUMENTS

Claims 1, 3-7, 9-19, 21-23, 25-27, 29-34, 36-41 and 43-53 were previously pending. As noted above, no claims have been amended, no claims have been canceled, and no claims have been added. Thus, claims 1, 3-7, 9-19, 21-23, 25-27, 29-34, 36-41 and 43-53 remain pending in this application.

Applicants respectfully request reconsideration of this application based on the following remarks.

### *Claim Rejections – 35 USC § 103*

Claims 1-7, 9-11, 13-19, 21-23, 35-27, 29-32, 34, 36-41, 43 and 45-53 are rejected under 35 USC § 103(a) as being obvious over Kim (US Published Patent Appln. No. 2003/0078061) in view of Akiyama (US Published Patent Appln. No. 2002/0001386). Further, claims 12, 31 and 44 are rejected under 35 USC § 103(a) as being obvious over Kim in view of Akiyama and further in view of McClellan (US Published Patent Appln. No. 2004/0008794). Applicants respectfully traverse these rejections for at least the followings reasons.

To establish a *prima facie* case of obviousness, all of the claimed features must be taught or suggested by the references and there must be some suggestion or motivation, in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *See, e.g., KSR International Co., v. Teleflex Inc.*, No. 04-1350, (US, April 30, 2007).

Independent claims 1, 17, 34 and 47 recite, in part, “the wireless ***broadcast link*** and the ***bidirectional wireless link*** are ***separate*** physical channels,” and “the first and second wireless principles are ***different*** from each other.”

In response to the Applicants argument that Kim, paragraph [0033], neither discloses nor suggests “the first and second wireless principles are different from each other,” the Examiner asserts that the Common Traffic Broadcasting Channel (CTBCH) corresponds to “the broadcast link is characterized by a first wireless principle,” and that the secure signals channel (SSCH) corresponds to the “bidirectional wireless link is characterized by a second wireless principle.” Further, the Examiner asserts that the “CTBCH and SSCH are separate physical channels corresponding to a first wireless principle and a second wireless principle,” *See*, Office Action dated December 16, 2009, Page 2. Applicants respectfully disagree.

Contrary to the Examiner's assertions, merely disclosing a CTBCH and SSCH does not disclose or suggest the claimed subject matter. Even if one were to assume the CTBCH and SSCH taught communication of a broadcast stream and bi-directional stream, neither the cited text, nor the reference as a whole discloses a "broadcast *link*" that is "characterized by a first wireless principle," and a "bi-directional wireless *link*" that is "characterized by a second wireless principle." Rather, Kim may be read to disclose multiple channels being used to transmit data from a single base station, using a single principle, over a single "link." See, e.g. Kim, paragraphs [0053] and [0054]. Inherent in the Kim reference are the limitations associated with communication from a single base station ("the base station"). See, e.g. Kim, Figs. 1, 2, 3, 5, 6, 7, and 8. As such, Kim only discloses a single wireless link being formed between the base station and a mobile subscriber. Further, such communications are described in Kim with reference to only one wireless principle (i.e. TDMA). See, Kim, e.g. paragraph [0053]. In other words, rather than disclosing receiving a broadcast stream from a first source, such as a base station, over a first wireless link using a first principle, such as CDMA, and a second bi-directional stream from a second source, such as a network control center, over a second wireless link using a second principle, such as Bluetooth, Kim discloses receiving both broadcast and control information from a single source, over a single wireless link using a single wireless principle.

As such, Kim does not describe or suggest the claimed subject matter as recited.

The additions of Akiyama and/or McClellan fail to cure the above discussed deficiency in Kim. Specifically, both Akiyama and McClellan are silent with respect to, "the first and second wireless principles are different from each other," as recited.

Further, as claims 3-7, 9-16, 18, 19, 21-23, 25-27, 29-33, 36-41, 43-46 and 48-53 depend either directly or indirectly from one of independent claims 1, 17, 34 and 47, respectively, the claims are allowable for at least the same reasons as discussed above.

Further, each of claims 3-7, 9-16, 18, 19, 21-23, 25-27, 29-33, 36-41, 43-46 and 48-53 separately recites a combination of subject matter that is not disclosed or suggested by any combination of the cited references.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3-7, 9-19, 21-23, 25-27, 29-34, 36-41 and 43-53 under 35 USC § 103(a) as being obvious over Kim in view of Akiyama and/or McClellan.

### CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

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Respectfully submitted,

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